IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

Crl.MC.No. 158 of 2007()

ST.1197/2005 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

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PETITIONER: ACCUSED:

P.A. JOSEPH,
PLAVUVACHATHIL HOUSE, THEKKADI, KUMALI VILLAGE,
PEERUMEDU, IDUKKI DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.158 of 2007

Dated this the 19th day of January, 2007

ORDER

The petitioner faces indictment in a prosecution under Section 138 of the N.I Act. According to him, he had not received the summons. But the learned Magistrate has issued a non bailable warrant to procure his presence. He is willing to surrender before the learned Magistrate. According to him, he has valid reasons to explain to the learned Magistrate as to why he could not earlier appear before the learned Magistrate. The petitioner apprehends that his application for bail may not be considered on merits, in accordance with law and expeditiously and therefore the petitioner has come to this Court for issue of a direction under Section 482 Cr.P.C.

2. I have no reason to assume that the learned Magistrate would not consider the bail application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail, the learned Magistrate must

proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-